

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Ozaki et al.

Serial No.: 09/214,881
Confirmation No.: 8089

Filed: June 7, 1999

For: DIAGNOSTIC DRUGS FOR AUTO
IMMUNE DISEASES

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Group Art Unit: 1644

Examiner: Patrick Nolan

Att'y Docket: 13240.0004.NPUS00

Client Docket:
F5-01F03832/KA016-1US RCE

INVENTOR'S DECLARATION UNDER 37 C.F.R. §1.132 AND M.P.E.P. 715.01(c) IN
ACCORDANCE WITH *IN RE KATZ*

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, JUNKO SOBAJIMA, DECLARE AS FOLLOWS:

1. I, along with Shoichi Ozaki, Fumio Osakada, Hiroko Uesugi, Takahiro Okazaki, Masao Tanaka, Kazuwa Nakao, Michiteru Yoshida, and Hitoshi Shirakawa, am a co-inventor of the subject matter claimed in the captioned patent application.

2. I understand that the Examiner in charge of assessing the patentability of this application believes that the claims of the application are obvious in view of Sobajima, et al., *Clin. Exp. Immunol.* 105:120-24 (July 1996).

3. I am providing the present declaration to explain that the authors S. Sumita and K. Mori, listed on the *Clin. Exp. Immunol.* reference, did not make an inventive contribution to the claims pending in said application and thus were not listed as named inventors. S. Sumita and K. Mori

IDS

worked entirely under my direction and control in contributing subject matter to the foregoing *Clin. Exp. Immunol.* reference.

4. At the time of preparing the *Clin. Exp. Immunol.* reference S. Sumita was a graduate student at the Graduate School of Medicine at Kyoto University. S. Sumita contributed to the published *Clin. Exp. Immunol.* article by providing technical support related to the collection of Western blot data. In doing so S. Sumita worked under my direction and control.

5. At the time of preparing the *Clin. Exp. Immunol.* reference K. Mori was a graduate student at the Graduate School of Medicine at Kyoto University. K. Mori contributed to the published *Clin. Exp. Immunol.* article by providing technical support related to the collection of ELISA data. In doing so K. Mori worked under my direction and control.

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 1, 2004
Date

Junko Sobajima
JUNKO SOBAJIMA

05-11-04

IFW AF 1644

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

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**TRANSMITTAL
FORM**

(To be used for all correspondence after initial filing)

Application Number	09/214,881
Filing Date	June 7, 1999
First Named Inventor	Ozaki
Art Unit	1644
Examiner Name	Patrick Nolan
Attorney Docket Number	13240.0004.NPUS00

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)


<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks

POSTCARD.


NOTE: SHOULD ANY FEE UNDER 37 CFR 1.16 to 1.21 BE DEEMED NECESSARY, THE COMMISSIONER IS AUTHORIZED TO DEDUCT THE FEE FROM ACCOUNT NO. 01-2508/13240.0004.NPUS00.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	HOWREY SIMON ARNOLD & WHITE LLP.
Signature	
Date	May 10, 2004

CERTIFICATE OF TRANSMISSION/EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" WITH sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Number: EV 318617729 US

Typed or printed name	Christopher J. Buntel, Ph.D. Reg. 44,573		
Signature		Date	May 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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